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IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FOURTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 14944 of 2004

Between:

John Damodar S/o Tirupathaiah
Primary Agriculture Co-operative Society, r/o Station Ghanpur,

Warangal District

..... PETITIONER

AND

1. The Person-in-Charge/Chairman Primary Agricultre Co-operative Society Ltd., Ghanpur, Warangal District
2. The District Co-operative Officer, Warangal, Warangal District
3. The General Manager District Co-operative CentralBank Ltd., Warangal District
4. The Asst. Commissioner of Labour Warangal, Warangal District

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or orders more particularly one in the nature of Writ of Mandamus declaring the action of the Respondent No.1 herein by vide impugned proceedings No. Esst/2003-2004 dated 21-11-2003 by suspending the petitioner from the service without due process of law as illegal, arbitrary, and violence of principles of natural justice and pass such other order or orders as the Hon'ble Court may deem fit and

proper in the circumstances of the case.

Counsel for the Petitioner: MR.V.RAGHUNATH

Counsel for the Respondent No.1: Mr.B.VENKATESWAR REDDY

Counsel for the Respondent No.2&3: G.P FOR COOPERATION

Counsel for the Respondent No.4: G.P FOR LABOUR

The Court at the stage of admission, made the following :

ORAL ORDER

The petitioner is working as a paid clerk in the first respondent Cooperative Society. He was kept under suspension through the proceedings dated 21-11-2003 by way of initiating disciplinary action against the petitioner and another person on the ground that they indulged in forgery, impersonation and raised fictitious crop loans to an extent of Rs.25,000/-. The grievance of the petitioner is that from the date of suspension till now the first respondent did not take any steps to proceed with the disciplinary enquiry, no charge sheet was filed and no inquiry was conducted . Therefore, he approached this Court through this writ petition to declare that the action of the first respondent through the proceedings dated 21-10-2003 as illegal, arbitrary and violative of principles of natural justice.

In the light of the contention of the petitioner that he is being continued under suspension without making any progress in the enquiry, the first respondent is directed to decide whether it is intending to proceed against the petitioner by way of disciplinary action, if so, to frame appropriate charges and to proceed with the enquiry expeditiously. The entire process should be completed within a period of four (4) months from the date of receipt of a copy of this Order from this Court. It is further directed in the event of the first respondent deciding to proceed with the disciplinary action, the charge sheet shall be served on the petitioner within ten (10) days from the date of receipt of a copy of this Order. If the petitioner is entitled for subsistence allowance as per the Rules, he may make an application to the respondents for the said purpose.

The writ petition is disposed of accordingly. No order as to costs.

24TH AUGUST 2004

*TSNR

To

1. The Person-in-Charge/Chairman Primary Agricultre Co-operative Society Ltd., Ghanpur, Warangal District
2. The District Co-operative Officer, Warangal, Warangal District
3. The General Manager District Co-operative CentralBank Ltd., Warangal District
4. The Asst. Commissioner of Labour Warangal, Warangal District
5. Two C.Cs to G.P FOR CO-OPERATION, High Court Buildings, High Court of A.P.(OUT)
6. Two C.Cs to G.P FOR LABOUR, High Court Buildings, High Court of A.P. (OUT)
7. Two C.D.Copies